

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 11-3839

United States of America,

Appellee,

v.

Jason Lee Harris,

Appellant.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: April 30, 2012

Filed: May 3, 2012

Before WOLLMAN, BYE, and SHEPHERD, Circuit Judges.

PER CURIAM.

Jason Lee Harris appeals the sentence imposed after remand for resentencing on a single felon-in-possession conviction. See 18 U.S.C. §§ 922(g) and 924(a)(2); United States v. Harris, 444 Fed. Appx. 110, 112 (8th Cir. 2011) (unpublished per curiam). On appeal, his counsel has moved to withdraw and filed a brief under Anders v. California, 386 U.S. 738 (1967), arguing that the sentence is excessive.

At resentencing the district court¹ vacated the sentences on two counts of conviction (involving simultaneous possession of a handgun and ammunition), merged the two counts into one, and imposed for the single count the same sentence of 112 months in prison and 3 years of supervised release, but imposed a special assessment of only \$100. We find that the district court did not abuse its discretion in sentencing Harris, as the court did not commit any procedural error, and the within-Guidelines-range sentence was substantively reasonable. See United States v. Feemster, 572 F.3d 455, 461 (8th Cir. 2009) (en banc) (standard of review).

Having found no nonfrivolous issues upon review of the resentencing portion of the record, see Penson v. Ohio, 488 U.S. 75 (1988), we affirm. We also grant counsel's motion to withdraw.

¹The Honorable Greg Kays, United States District Judge for the Western District of Missouri.